

AUG 27 2024

Nathan Ochsner, Clerk of Court

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Southern _____ District of Texas _____
(State)

Case number (if known): _____ Chapter 11

☐ Check if this is an amended filing

Official Form 205

Involuntary Petition Against a Non-Individual

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against an individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed

1. Chapter of the Bankruptcy Code

Check one:

☐ Chapter 7

☒ Chapter 11

Part 2: Identify the Debtor

2. Debtor's name

Refreshing USA, LLC

3. Other names you know the debtor has used in the last 8 years

Include any assumed names, trade names, or doing business as names.

4. Debtor's federal Employer Identification Number (EIN)

☒ Unknown

EIN _____

5. Debtor's address

Principal place of business

Mailing address, if different

2732 Grand Ave Ste 122

Number Street

Number Street

P.O. Box

Everett

City

WA

State

98201

ZIP Code

City

State

ZIP Code

Location of principal assets, if different from principal place of business

Multiple locations in Texas

Snohomish

County

Number Street

City

State

ZIP Code

Debtor Refreshing USA, LLC
Name

Case number (if known) _____

6. Debtor's website (URL) _____

7. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other type of debtor. Specify: _____

8. Type of debtor's business

Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the types of business listed.
☐ Unknown type of business.

9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?

- ☐ No
☒ Yes. Debtor Creative Technologies, LLC Relationship _____
District Southern Date filed 08/27/2024 Case number, if known _____
MM / DD / YYYY
Debtor Water Station Management LLC Relationship _____
District Southern Date filed 08/27/2024 Case number, if known _____
MM / DD / YYYY

Part 3

Report About the Case

10. Venue

Check one:

- ☒ Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.
☐ A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.

11. Allegations

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).
The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

At least one box must be checked:

- ☒ The debtor is generally not paying its debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
☐ Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or an agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?

- ☒ No
☐ Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

Debtor Refreshing USA, LLC Case number (if known) _____
 Name

13. Each petitioner's claim	Name of petitioner	Nature of petitioner's claim	Amount of the claim above the value of any lien
	Donald E. and Bonnie L. Gray Revocable Living Trust	Business Loan: Principle and Interest Accrued	\$ 854,300.00
	Tyler Hellman	Wages	\$ 21,432.00
	Annamaria Briggs	Wages	\$ 3,417.00
	Total of petitioners' claims		\$ 879,149.00

If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at the top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each additional petitioning creditor, the petitioner's claim, the petitioner's representative, and the petitioner's attorney. Include the statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.

Part 4 Request for Relief

WARNING – Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.

I have examined the information in this document and have a reasonable belief that the information is true and correct.

Petitioners or Petitioners' Representative

Name and mailing address of petitioner

Donald E. and Bonnie L. Gray Revocable Living Trust
 Name

23233 N. Pima Rd., Ste. 113-367

Number Street

Scottsdale AZ 85255
 City State ZIP Code

Name and mailing address of petitioner's representative, if any

Don Gray

Name

23233 N. Pima Rd., Ste. 113-367

Number Street

Scottsdale AZ 85255
 City State ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08/27/2024

Signed by: MM / DD / YYYY

Don Gray

Signature of petitioner or representative, including representative's title

Attorneys

Ericka F. Johnson

Printed name

Bayard, P.A.

Firm name, if any

600 North King Street, Suite 400

Number Street

Wilmington DE 19801
 City State ZIP Code

Contact phone 302-429-4275 Email ejohnson@bayardlaw.com

Bar number 5024

State Delaware

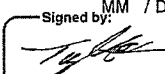
Ericka Johnson

Signature of attorney

Date signed 08/27/2024
 MM / DD / YYYY

Debtor Refreshing USA, LLC
Name

Case number (if known) _____

<p>Name and mailing address of petitioner</p> <p><u>Tyler Heilman</u> Name</p> <p><u>2603 Burley Drive</u> Number Street</p> <p><u>Everett</u> <u>WA</u> <u>98208</u> City State ZIP Code</p> <p>Name and mailing address of petitioner's representative, if any</p> <p>_____ Name</p> <p>_____ Number Street</p> <p>_____ City State ZIP Code</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Executed on <u>08/27/2024</u> MM / DD / YYYY</p> <p><input checked="" type="checkbox"/> Signed by: <u></u> EFCE0C04EFE416... Signature of petitioner or representative, including representative's title</p>	<p>_____ Printed name</p> <p>_____ Firm name, if any</p> <p>_____ Number Street</p> <p>_____ City State ZIP Code</p> <p>Contact phone _____ Email _____</p> <p>_____ Bar number</p> <p>_____ State</p> <p><input checked="" type="checkbox"/> _____ Signature of attorney</p> <p>Date signed <u>MM / DD / YYYY</u></p>
<p>Name and mailing address of petitioner</p> <p><u>Annamarie Briggs</u> Name</p> <p><u>8100 242nd St. SW Unit A</u> Number Street</p> <p><u>Edmonds</u> <u>WA</u> <u>98026</u> City State ZIP Code</p> <p>Name and mailing address of petitioner's representative, if any</p> <p>_____ Name</p> <p>_____ Number Street</p> <p>_____ City State ZIP Code</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Executed on <u>08/27/2024</u> MM / DD / YYYY</p> <p><input checked="" type="checkbox"/> _____ Signature of petitioner or representative, including representative's title</p>	<p>_____ Printed name</p> <p>_____ Firm name, if any</p> <p>_____ Number Street</p> <p>_____ City State ZIP Code</p> <p>Contact phone _____ Email _____</p> <p>_____ Bar number</p> <p>_____ State</p> <p><input checked="" type="checkbox"/> _____ Signature of attorney</p> <p>Date signed <u>MM / DD / YYYY</u></p>

Debtor

Refreshing USA, LLC

Name

Case number (if known)

Name and mailing address of petitioner

Tyler Heilman

Name

2603 Burley Drive

Number Street

Everett

WA

98208

City

State

ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08/27/2024

MM / DD / YYYY

X

Signature of petitioner or representative, including representative's title

Printed name

Firm name, if any

Number Street

City

State

ZIP Code

Contact phone

Email

Bar number

State

Signature of attorney

Date signed

MM / DD / YYYY

Name and mailing address of petitioner

Annamarie Briggs

Name

8100 242nd St. SW Unit A

Number Street

Edmonds

WA

98026

City

State

ZIP Code

Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

ZIP Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08/27/2024

MM / DD / YYYY

X

Signature of petitioner or representative, including representative's title

Printed name

Firm name, if any

Number Street

City

State

ZIP Code

Contact phone

Email

Bar number

State

Signature of attorney

Date signed

MM / DD / YYYY

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

In re:

REFRESHING USA, LLC

Alleged Debtor.

Chapter 11

Case No.:

SUMMONS TO DEBTOR IN INVOLUNTARY CASE

To the above-named debtor:

A petition under title 11, United States Code was filed against you on August 27, 2024 in this Bankruptcy Court, requesting an order for relief under Chapter 11 of the Bankruptcy Code (title 11 of the United States Code.)

YOU ARE SUMMONED and required to submit to the Clerk of the Bankruptcy Court, a motion or answer to the petition within 21 days after the service of this summons. A copy of the petition is attached.

Address of Clerk:

Bob Casey United States Courthouse
515 Rusk Avenue
Houston, TX 77002

At the same time, you must also serve a copy of the motion or answer upon the petitioner's attorney.

Name and Address of Petitioners' Attorneys:

Donald E. and Bonnie L. Gray Revocable Living Trust

Ericka F. Johnson (Del. Bar No. 5024)

Steven D. Adler (Del. Bar No. 6257)

Bayard, P.A.

600 North King Street, Suite 400

Wilmington, DE 19801

Telephone: (302) 655-5000

Email: ejohnson@bayardlaw.com

sadler@bayardlaw.com

Tyler Heilman

2603 Burley Drive

Everett, WA 98208

Annamaria Briggs
8100 242nd St. SW Unit A
Edmonds, WA 98206

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 1011(c).

If you fail to respond to this summons, the order for relief will be entered.

Clerk of the Bankruptcy Court

Date: _____ By: _____ (Deputy Clerk)